

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

2022 CRIM 679

UNITED STATES OF AMERICA

- v. -

DANKSE BANK A/S,

Defendant.

x
:
:
: CONSENT PRELIMINARY ORDER
OF FORFEITURE/
: MONEY JUDGMENT
:
: 22 Cr. ____ (NRB)
:
:
x

WHEREAS, on or about December 13, 2022, DANSKE BANK A/S (the “Defendant”), was charged in a one-count information, 22 Cr. ____ (NRB) (the “Information”), with conspiracy to commit bank fraud, in violation of Title 18, United States Code, Section 1349 (Count One);

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), of any property constituting, or derived from, proceeds the Defendant obtained directly or indirectly as the result of the offense charged in Count One of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds obtained directly or indirectly as a result of the offense charged in Count One of the Information;

WHEREAS, on or about December 13, 2022, the Defendant pled guilty to Count One of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit to the United States a sum of money equal to \$2,059,979,050 in United States currency, which is

property constituting or derived from proceeds obtained directly or indirectly as a result of the commission of the offense charged in Count One of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$2,059,979,050 in United States currency, representing the property constituting or derived from proceeds obtained directly or indirectly as a result of the commission of the offense charged in Count One of the Information that the Defendant personally obtained. The Offices agree that payments made by the Defendant in connection with its concurrent settlement of a related regulatory action brought by the SEC in the amount of \$178,600,000 (the "Civil Credit") and payments made by the Defendant in connection with its concurrent settlement of a related criminal action brought by the authorities in Denmark in the amount of \$672,316,404 (the "Criminal Credit") shall be credited against the Money Judgment; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the property constituting or derived from proceeds obtained directly or indirectly as a result of the offense charged in Count One of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States Department of Justice, Criminal Division, Money Laundering and Asset Recovery Section and the United States Attorney's Office for the Southern District of New York (collectively, the "Government") and the Defendant DANSKE BANK A/S and its counsel, Katherine J. Stoller, Esq., Samuel W. Seymour, Esq., and Sharon Cohen Levin, Esq., that:

1. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$2,059,979,050 in United States

currency (the “Money Judgment”), representing the property constituting or derived from proceeds that the Defendant obtained directly or indirectly as a result of the commission of the offense charged in Count One of the Information, shall be entered against the Defendant.

2. The Defendant shall make a payment in the amount of \$1,209,062,646 in United States currency (the “Criminal Forfeiture Payment”) by wire transfer pursuant to instructions provided by the United States no later than ten business days after entry of this Consent Preliminary Order of Forfeiture/Money Judgment. Upon receipt of the Criminal Forfeiture Payment by the Government, as well as the Civil Credit by the SEC and the Criminal Credit by the authorities in Denmark, the Money Judgment shall be fully satisfied.

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, DANSKE BANK A/S, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the Government is authorized to conduct any discovery needed to identify, locate, or dispose of

forfeitable property, including depositions, interrogatories, requests for production of documents, and the issuance of subpoenas.

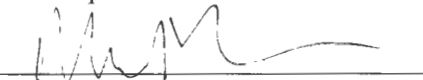
7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

FOR THE GOVERNMENT:

BRENT S. WIBLE
Acting Chief
Money Laundering and Asset Recovery
Section, Criminal Division
U.S. Department of Justice



Patrick Gushue
Margaret A. Moeser
Trial Attorneys

DAMIAN WILLIAMS
United States Attorney
Southern District of New York
U.S. Department of Justice

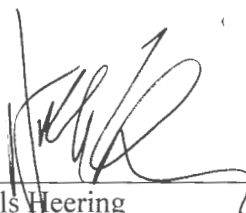


Tara M. LaMorte
Sheb Swett
Assistant United States Attorneys

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FOR DANSKE BANK A/S:

Date: 12/13/2022

By: 
Niels Heering
Senior General Counsel, Group
Danske Bank A/S

Date: 12/13/2022

By: 

Katherine J. Stoller, Esq.
Shearman & Sterling LLP

Samuel W. Seymour, Esq.
Sharon Cohen Levin, Esq.
Sullivan & Cromwell LLP

Counsel for Danske Bank A/S

SO ORDERED:


HON. NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

December 13, 2022
DATE